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August 21, 2007

VIA ECF AND FEDERAL EXPRESS

Hon. Mary L. Cooper
United States District Court
Clarkson S. Fisher Building &
U.S. Courthouse
402 East State Street
Room 5000
Trenton, New Jersey 08608

Hon. Tonianne J. Bongiovanni
United States District Court
Clarkson S. Fisher Building &
U.S. Courthouse
402 East State Street
Room 6052
Trenton, New Jersey 08608


Re: Metcalf et al. v. Merck & Co., Inc. - Case No. 07-cv-03119

Dear Judges Cooper and Bongiovanni:

In further support of defendant Merck & Co., Inc.'s ("Merck") pending Motion to Stay Proceedings Pending Transfer to MDL No. 1789 in the above-captioned case, enclosed for Your Honors' consideration are orders entered by Magistrate Judge John J. Hughes on August 6, 2007 in *Mahuron v. Merck & Co., Inc.* - Case No. 07-cv-3118-MLC and *Sambrano v. Merck & Co. Inc.* - Case No. 07-cv-3116-FLW. Merck respectfully submits that Judge Hughes's orders in these cases pertain to the same issues pending before Your Honors in the above-captioned case.

This letter and the enclosures herein have been filed electronically on this date and have been served on plaintiffs' counsel.

Respectfully submitted,



Bart A. Whitley

Enclosures

cc: Gregory S. Spizer, Esq. (Counsel for plaintiffs) (via ECF and Federal Express)
David J. Heubeck, Esq.

filed the Notice of Removal two business days after Plaintiff filed her suit essentially eliminating Plaintiff's choice of forum" (Pl.'s Mot. at ¶ 4); and Plaintiff further stating that "[b]ecause Merck is a citizen of the forum state, as it plainly admits, removal is not permissible." *Id.* at ¶ 7; and the Court finding that a stay in the present action pending its transfer to MDL-1789 will conserve the resources of the Court and prevent duplicative discovery and pretrial management efforts; and the Court further finding that because a stay is appropriate, Plaintiff's Motion to Remand will be denied without prejudice; and the Court having considered the parties' written submissions; and the Court having considered the matter pursuant to FED. R. CIV. P. 78; and good cause having been shown;

IT IS on this 6th day of August, 2007,

ORDERED that Defendant's Motion to Stay Proceedings Pending Transfer to MDL No. 1789 [Docket Entry # 4] is Granted. This action is stayed pending a transfer decision from the Judicial Panel on Multidistrict Litigation; and it is

FURTHER ORDERED that Plaintiff's Motion to Remand [Docket Entry # 6] is Denied without prejudice; and it is

FURTHER ORDERED that Defendant will advise the Court by letter on the first day of each month beginning in September as to the status of the case.

/s/ John J. Hughes
JOHN J. HUGHES
UNITED STATES MAGISTRATE JUDGE

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/s/ John J. Hughes

JOHN J. HUGHES

UNITED STATES MAGISTRATE JUDGE